IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 12503 of 2005

Between:

Chitikela Appala Naidu, S/o.Veerraju,
R/o.Molleru Mallavaram, Gangavaram Mandal,
E.G.District.

..... PETITIONER

AND

1 The Additional Agent to the Government East Godavari District

at Rampachodavaram.

2 The Special Deputy Collector, Tribunal Welfare, Rampachodavaram,

E.G.District.

3 The Special Deputy Tahsildar, Tribla Welfare, Rajavommangi,

E.G.District.

4 The Mandal Revenue officer, Rajavommangi, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ, declaring an illegal, arbitrary and violative of Art. 21 of the Constitution of India and the action of the 1st respondent in not granting stay of the orders of the 2nd respondent in L.T.R. P.NO.247 of 2004 dt.29-12-2004 inspite of the statutory appeal filed by the petitioner i.e. C.M.A.NO.2/05 dt.8-5-2005 against the orders of the 2nd respondent in L.T.R.P.No.247 of 2004 dt. 29-12-2004 and it is further consequentially prayed that this

Hon'ble court may be pleased to suspend the operation of the orders in L.T.R.P.No.247/04 dt.29-12-2004 on the file of the 2nd respondent pending disposal of the C.M.A.NO. of 2005 dt.8-5-2005 on the file of the 1st respondent.

Counsel for the Petitioner : MR.S.R.SANKU

Counsel for the Respondents : GP FOR SOCIAL WELFARE

The Court made the following :

O R D E R

This writ petition is filed by the petitioner aggrieved by the inaction of the 1st respondent in passing any orders of stay, pending disposal of the appeal before him.

According to the petitioner, the 2nd respondent initiated proceedings on a complaint made by the Special Deputy Tahsildar, Tribal Welfare, Rajavommangi, East Godavari District in respect of the land of the petitioner of an extent of Ac.1-11 cents in Sy.No.42-2, Ac.10-28 cents in Sy.No.45 and Ac.3-33 cents in Sy.No.40-1 of Kundra village, Rajavammangi Mandal, East Godavari District.

It is stated that the Special Deputy Collector, Tribal Welfare, initiated proceedings and after conducting the enquiry, passed an order of ejectment of the petitioner alleging that the petitioner is in possession of the land in contravention of the provisions of the Land Transfer Regulations. Aggrieved by that, the petitioner filed an appeal before the 1st respondent and also sought for stay, but however, no orders of stay was passed by the appellate authority. As the petitioner apprehends dispossession, he has come up with the present writ petition.

At the time of hearing, the learned Government Pleader stated that the appeal filed by the petitioner was numbered and posted to 27th July, 2005 for hearing. But, however, the land in question was already taken possession by the respondents, and therefore, there is no justification in seeking stay pending disposal of the appeal.

Heard both sides and considered the material on record.

In view of the dispute raised by both the parties that the petitioner is claiming to be in

possession, while the respondent-Government Pleader stating that possession was already taken by the respondents, this Court directs to maintain status-quo as on today pending disposal of the appeal. The 1st respondent also further directed to dispose of the appeal expeditiously, preferably within a period of six weeks from the date of receipt of a copy of this order.

With the above observation, the writ petition is disposed of at the stage of admission itself. There shall be no order as to costs.

JUSTICE S.ANANDA REDDY

15TH JUNE, 2005.

PGS

To

1 The Additional Agent to the Government,

East Godavari District at Rampachodavaram.

2 The Special Deputy Collector, Tribunal Welfare,

Rampachodavaram, E.G.District.

3 The Special Deputy Tahsildar, Tribla Welfare,

Rajavommangi, E.G.District.

4 The Mandal Revenue officer, Rajavommangi, E.G.District.

5) 2 CD copies

6) 1 CC to **GP FOR SOCIAL WELFARE**